

[Approved as to Form Local Rule 77.2(b)]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

S/N PRECISION ENTERPRISES, INC. d/b/a
PACAMOR KUBAR BEARINGS and
INTERCONTINENTAL BEARING SUPPLY, INC.,

Plaintiffs,

v.

AXSYS TECHNOLOGIES, INC., SAPPORO
PRECISION, INC., KITANIHON SEIKI CO., LTD.,
and SANBI CO., LTD.,

Defendants.

ORDER
Civil Action No.: 1:05-CV-371 (TJM/RFT)
U.S. DISTRICT COURT - N.D. OF N.Y. FILED JAN 10 2007 AT O'CLOCK Lawrence K. Baerman, Clerk - Binghamton

Present: HON. THOMAS J. MCAVOY
SENIOR UNITED STATES DISTRICT JUDGE

WHEREAS, the defendant, Axsys Technologies, Inc., having moved this Court pursuant to Fed. R. Civ. P. 56 for an Order granting summary judgment of dismissal on plaintiffs' only remaining claim (Lanham Act, 15 U.S.C. §10 51 *et seq.*), and plaintiffs having cross-moved for an order compelling discovery pursuant to Fed. R. Civ. P. 37; and upon due consideration having been given by the Court to all papers filed by the parties on their respective motions, and

WHEREAS, the issues raised on defendant's motion and plaintiffs' cross-motion having come on to be heard before Senior United States District Judge, Hon. Thomas J. McAvoy, on December 11, 2006; and

WHEREAS, plaintiffs having appeared by their attorney, Glenn H. Ripa, and defendant having appeared by their attorneys, Nixon Peabody LLP, Andrew C. Rose, of counsel, and the issues having been duly presented for the Court; and

WHEREAS, the Court having rendered a Decision on, the defendant's motion and the plaintiffs' cross-motion on December 11, 2006, it is hereby:


ORDERED, that defendant's motion for summary judgment is, in all respects, granted; and it is further

ORDERED, that plaintiffs' complaint is dismissed in its entirety; and it is further

ORDERED, that plaintiffs' cross-motion to compel discovery is, in all respects,

denied.

Dated: 1 / 6 / 2007



HON. THOMAS J. MCAVOY
SENIOR UNITED STATES DISTRICT JUDGE